

Introduced by

Senators K. Roers, Myrdal, Rummel

Representatives McLeod, Steiner, Strinden

1 A BILL for an Act to amend and reenact section 50-11-00.1 of the North Dakota Century Code,  
2 relating to definitions for foster homes for children and treatment centers for trafficked youth.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 50-11-00.1 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6 **50-11-00.1. Definitions.**

7 As used in this chapter:

- 8 1. "Agency foster home for adults" means a residential home in which foster care for  
9 adults is regularly provided by professional staff trained to provide services to older  
10 adults or adults with a disability, to four or fewer adults who are not related by blood or  
11 marriage to the owner or lessee, for hire or compensation.
- 12 2. "Approval" means the approval by the department, upon submission of tribal licensing  
13 standards or in the absence of tribal licensing standards compliance with state  
14 standards, of a facility located on or near, as identified by the tribe, a recognized  
15 Indian reservation in North Dakota, not subject to the jurisdiction of the state of North  
16 Dakota for licensing purposes, to allow the facility to receive title IV-E funding.
- 17 3. "Authorized agent" means the human service zone, unless another entity is  
18 designated by the department.
- 19 4. "Department" means the department of health and human services.
- 20 5. "Facility" means a foster home for adults, agency foster home for adults, family foster  
21 home for children, residential treatment center for trafficked youth, supervised  
22 independent living program, or qualified residential treatment program for children.

- 1           6. "Family foster home for children" means an occupied private residence in which foster  
2           care for children is regularly provided by the owner or lessee of the residence to no  
3           more than six children, unless the department approves otherwise.
- 4           7. "Foster care for adults" means the provision of food, shelter, security and safety,  
5           guidance, and comfort on a twenty-four-hour per day basis, in the residential home of  
6           a caregiver or agency, to an individual age eighteen or older, who is unable, neglects,  
7           or refuses to provide for the individual's own care.
- 8           8. "Foster care for children" means the provision of substitute parental child care for  
9           those children who are in need of care for which the child's parent, guardian, or  
10          custodian is unable, neglects, or refuses to provide, and includes the provision of food,  
11          shelter, security and safety, guidance, and comfort on a twenty-four-hour basis, to one  
12          or more children under twenty-one years of age to safeguard the child's growth and  
13          development and to minimize and counteract hazards to the child's emotional health  
14          inherent in the separation from the child's family. Foster care may be provided in a  
15          licensed or approved family foster home for children, supervised independent living  
16          program, or qualified residential treatment program.
- 17          9. "Foster home for adults" means an occupied private residence in which foster care for  
18          adults is regularly provided by the owner or lessee of the residence, to four or fewer  
19          adults who are not related by blood or marriage to the owner or lessee, for hire or  
20          compensation.
- 21          10. "Identified relative" means:
- 22               a. The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt,  
23               uncle, great-uncle, nephew, niece, or first cousin;
- 24               b. An individual with a relationship to the child, derived through a current or former  
25               spouse of the child's parent, similar to a relationship described in subdivision a;
- 26               c. An individual recognized in the child's community as having a relationship with  
27               the child similar to a relationship described in subdivision a; or
- 28               d. The child's stepparent.
- 29          11. "Qualified residential treatment program" means a licensed or approved residence  
30          providing an out-of-home treatment placement for children.

1        12. "Residential treatment center for trafficked youth" means a licensed or approved  
2            residence providing out-of-home treatment specific to meet the needs of children at  
3            risk of or identified as victims of human trafficking.

4        ~~12-13.~~ "Supervised independent living program" means a licensed or approved setting  
5            providing supervision and service delivery to youth transitioning into adulthood.

6            **SECTION 2. DEPARTMENT OF HEALTH AND HUMAN SERVICES - STANDARD**  
7        **FRAMEWORK OF SERVICES FOR CHILD VICTIMS OF HUMAN TRAFFICKING - REPORT**  
8        **TO LEGISLATIVE MANAGEMENT.**

- 9            1. During the 2023-24 interim, the department of health and human services shall study  
10            and implement, in collaboration with other stakeholders, a standard framework for  
11            youth services for children impacted or potentially impacted by human trafficking,  
12            which includes residential treatment.
- 13            2. The department of health and human services shall collaborate with other  
14            stakeholders, including the child and family services section of the department of  
15            health and human services, the office of the attorney general, and the human  
16            trafficking task force.
- 17            3. Before January 2, 2024, the department of health and human services shall report its  
18            findings and recommendations to the interim human services committee.